

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**BRUCE ELLIS, *doing business*
as *Delta Cinema*, ET AL.**

PLAINTIFFS

V.

NO. 4:20CV00032-DMB-JMV

CLARKSDALE PUBLIC UTILITIES, ET. AL.

DEFENDANTS

ORDER

Before the Court is “Plaintiffs’ Second Discovery Motion Request for Admissions from Defendants” [37], filed June 9, 2020. By the motion, Plaintiffs charge—among other things—that “Defendant [sic] responses do not admit, deny, or answer Plaintiffs [sic] request for admissions” and request that the Court “order Defendant Clarksdale Public Utilities to provide the documents discussed during the Case Management Conference” Defendants have not responded to the instant motion.

The Case Management Order [11] entered on April 29, 2020, provides as follows:

- ☒ 4. The court desires to avoid the necessity of filing written discovery motions where court participation in an informal discussion of the issue might resolve it, even after the parties have been unsuccessful in a good faith attempt to do so. Consequently, before a party may serve any discovery motion, counsel must first in good faith as required by Fed. R. Civ. P. 37(a)(1). If the attorney conference does not resolve the dispute, counsel must contact the chambers of the magistrate judge to request a telephonic conference to discuss the issue as contemplated by Fed. R. Civ. P. 16(b)(3)(B) (v). Only if the telephonic conference with the judge is unsuccessful in resolving the issue may a party file a discovery motion.

Accordingly, because the instant motion was filed in contravention of the foregoing CMO provision, it is, hereby, DENIED. Nevertheless, consistent with the CMO, this matter will be scheduled for an informal discovery conference by separate notice.

SO ORDERED this, the 2nd day of July, 2020.

**/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE**